

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 EB-07 COME-00 STR-04 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

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TO SECSTATE WASHDC PRIORITY 4362

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E.O. 11652: N/A

TAGS: EGEN, UNGA

SUBJECT: 30TH UNGA - AGENDA ITEM 12: IRANIAN DRAFT RESOLUTION ON
TNC'S

1. TRANSMITTED BELOW IS THE TEXT OF SUBJECT RESOLUTION AS
OFFICIALLY CIRCULATED AS A/C.2/L.1437. WE AND THE OTHER WEO'S
HAVE NOW HAD SEVERAL ROUNDS OF CONSULTATIONS WITH THE SPONSORS
IN AN EFFORT TO OBTAIN IMPROVEMENTS. THE IRANIAN REP (PARSI)
WHO IS THE LEADING CO-SPONSOR HAS NOW APPROACHED US TO SAY THAT
HE WILL TRY TO OBTAIN APPROVAL FROM THE OTHER CO-SPONSORS OF
THE FOLLOWING AMENDMENTS PROVIDED THAT WE CAN ASSURE HIM THAT
THE THUS AMENDED RESOLUTION WOULD BE APPROVED WITHOUT VOTE AND
WITHOUT RESERVATIONS. (TECHNICALLY, THIS DOES NOT INCLUDE
STATEMENTS OF INTERPRETATION.)

(A) TITLE TO READ: "MEASURES AGAINST CORRUPT PRAC-
TICES OF TRANSNATIONAL AND OTHER CORPORATIONS, THEIR
INTERMEDIARIES, AND OTHERS INVOLVED";

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(B) PREAMBULAR PARAGRAPH 3: REPLACE FINAL PHRASE

"FOR TRANSNATIONAL CORPORATIONS" WITH "REFERRED TO IN THE REPORT OF THE FIRST SESSION OF THE UN COMMISSION ON TRANSNATIONAL CORPORATIONS";

(C) PREAMBULAR PARAGRAPH 4: CHANGE "REAFFIRMING" TO "RECALLING FURTHER";

(D) OPERATIVE PARAGRAPH 1: TO READ: "CONDEMNS ALL CORRUPT PRACTICES, INCLUDING BRIBERY BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES, AND OTHERS INVOLVED IN VIOLATIONS OF THE LAWS AND REGULATIONS OF THE HOST COUNTRY";

(E) OPERATIVE PARAGRAPH 2: OPENING PHRASE TO READ: "REAFFIRMS THE RIGHT OF ANY STATE TO ENACT LEGISLATION, TO INVESTIGATE AND TO TAKE LEGAL ACTION...";

(F) OPERATIVE PARAGRAPH 3: INSERT PHRASE "WITHIN THEIR NATIONAL JURISDICTION" BETWEEN "TO TAKE" AND "ALL NECESSARY MEASURES";

(G) OPERATIVE PARAGRAPH 4; INSERT "AS APPROPRIATE" BEFORE "MULTILATERALLY";

(H) OPERATIVE PARAGRAPH 5: TO READ: "CALLS UPON HOME GOVERNMENTS TO COOPERATE WITH HOST GOVERNMENTS TO PREVENT SUCH CORRUPT PRACTICES, INCLUDING BRIBERY, AND TO PROSECUTE WITHIN THEIR OWN JURISDICTION THOSE WHO ENGAGE IN SUCH ACTS". (COMMENT: THIS PROPOSED REWORDING ROUGHLY FOLLOWS SUGGESTION ADVANCED BY FRG AND USG ON AN INFORMAL BASIS IN THE COURSE OF THE NEGOTIATIONS. WE WOULD HOPE TO GET WORDING TO CLEARLY INDICATE THAT THE OPERATIVE VERB "TO COOPERATE" CLEARLY REFERS TO PREVENTION AND PROSECUTION.)

2. MISSION BELIVES IT MAY YET BE POSSIBLE TO MAKE SOME EDITORIAL CHANGES BUT PROBABLY NONE OF SUBSTANCE. REQUEST DEPARTMENT'S ADVICE AS SOON AS POSSIBLE SINCE THE IRANIAN REP HAS REQUESTED OUR RESPONSE BY AFTERNOON OF NOV. 26.
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WE INTEND TO CONTINUE TO COORDINATE OUR ACTIONS HERE WITH OUR PRINCIPAL WEO SUPPORTERS (UK, FRG, AND ITALY).

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

ALGERIA, ARGENTINA, BOLIVIA, COLOMBIA, CUBA, DEMOCRATIC YEMEN, ECUADOR, EGYPT, GUYANA, IRAN, IRAQ, LIBYAN ARAB REPUBLIC, MADAGASCAR, MEXICO, NIGERIA, PAKISTAN, PERU, ROMANIA, SOMALIA, UPPER VOLTA, VENEZUELA AND YUGOSLAVIA; DRAFT RESOLUTION

MEASURES AGAINST CORRUPT PRACTICES OF TRANSNATIONAL AND
OTHER CORPORATIONS AND THEIR INTERMEDIARIES

THE GENERAL ASSEMBLY,

CONCERNED BY THE CORRUPT PRACTICES OF CERTAIN
TRANSNATIONAL AND OTHER CORPORATIONS AND THEIR INTERMEDIARIES,
RECALLING PARAGRAPH 4 (G) OF THE DECLARATION ON THE ESTABLISHMENT
OF A NEW INTERNATIONAL ECONOMIC ORDER WHICH PROVIDES FOR
REGULATION AND SUPERVISION OF THE ACTIVITIES OF TRANSNATIONAL
CORPORATION,

RECALLING ALSO THE PROVISIONS OF SECTION V OF THE PROGRAMME
OF ACTION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC
ORDER EMPHASIZING INTER ALIA THE NEED FOR FORMULATE, ADOPT
AND IMPLEMENT A CODE OF CONDUCT FOR TRANSNATIONAL CORPORATIONS,

REAFFIRMING THE PROVISIONS OF THE CHARTER OF ECONOMIC
RIGHTS AND DUTIES OF STATES ACCORDING TO WHICH SUCH CORPORATIONS
SHOULD NOT OPERATE IN A MANNER THAT VIOLATES THE LAWS
AND REGULATIONS OF THE HOST COUNTRIES,

RECALLING ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1721
(LIII) OF 28 JULY 1972, 1908 (LVII) OF 2 AUGUST 1974, AND
1913 (LVII) OF 5 DECEMBER 1974,

RECALLING THE REPORT OF THE UNITED NATIONS COMMISSION ON
TRANSNATIONAL CORPORATIONS ON ITS FIRST SESSION, DOCUMENT E/5655,

1. CONDEMNS ALL CORRUPT PRACTICES INCLUDING BRIBERY
BY TRANSNATIONAL AND OTHER CORPORATIONS AND THEIR INTERMEDIARIES
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IN VIOLATION OF THE LAWS, REGULATIONS AND MORAL VALUES OF THE
HOST COUNTRIES;

2. REAFFIRMS THE RIGHT OF ANY STATE TO INVESTIGATE AND
TAKE LEGAL ACTION, IN ACCORDANCE WITH ITS NATIONAL LAWS
AND REGULATIONS, AGAINST TRANSNATIONAL AND OTHER CORPORATIONS
AND THEIR INTERMEDIARIES FOR SUCH CORRUPT PRACTICES;

3. CALLS UPON BOTH HOME AND HOST GOVERNMENTS TO TAKE ALL
NECESSARY MEASURES WHICH THEY DEEM APPROPRIATE,
INCLUDING LEGISLATIVE MEASURES TO PREVENT SUCH CORRUPT
PRACTICES AND TO TAKE CONSEQUENT MEASURES AGAINST THE VIOLATORS;

4. CALLS UPON GOVERNMENTS TO COLLECT INFORMATION
ON SUCH PRACTICES AND TO EXCHANGE THE INFORMATION BILATERALLY
AND MULTILATERALLY PARTICULARLY THROUGH THE UNITED NATIONS
CENTRE ON TRANSNATIONAL CORPORATIONS;

5. CALLS UPON HOME COUNTRIES TO ADOPT STRICT MEASURES AGAINST ACTS OF BRIBERY COMMITTED BY THEIR NATIONALS OR CORPORATIONS ABROAD, INCLUDING THE ADOPTION OF REGULATIONS FOR DISCLOSURE OF FINANCIAL CONTRIBUTIONS MADE BY SUCH CORPORATIONS OR THEIR INTERMEDIARIES IN HOST COUNTRIES;

6. REQUESTS THE ECONOMIC AND SOCIAL COUNCIL TO DIRECT THE COMMISSION ON TRANSNATIONAL CORPORATIONS TO INCLUDE IN ITS PROGRAMME OF WORK THE QUESTION OF CORRUPT PRACTICES OF TRANSNATIONAL CORPORATIONS AND TO MAKE RECOMMENDATIONS ON WAYS AND MEANS WHEREBY SUCH CORRUPT PRACTICES CAN BE EFFECTIVELY PREVENTED;

7. REQUESTS THE SECRETARY-GENERAL TO SUBMIT A REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTY-FIRST SESSION, THROUGH THE ECONOMIC AND SOCIAL COUNCIL, ON THE IMPLEMENTATION OF THIS RESOLUTION.
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